FAA -- Unmanned Aircraft

Number: INFORMAL

Date: September 07, 2016

Federal Aviation Administration
Scott Gardner, Acting Manager
Emerging Technologies, AJV-115
470 L'Enfant Plaza SW, Suite 7105
Washington, DC 20024

Subject: Public Entity Validation

Reference: FAA Unmanned Aircraft Systems Test Site Selection – Screening Information Request (SIR) DTFACT-13-R-00002, dated February 14, 2013

Dear Mr. Gardner:

The Tampa Port Authority, d/b/a Port Tampa Bay (Authority), has advised this office that the Federal Aviation Administration (FAA) requires the Authority to obtain a letter from the Florida Attorney General certifying that the Authority is "a public entity of the state." This letter serves as the official confirmation by Florida's Attorney General that the Tampa Port Authority qualifies as a public entity of the state.

The Florida Legislature created the Hillsborough County Port District in 1945, designating the Tampa Port Authority as governing body and port authority. The most recent legislation that amended and superseded the original enabling legislation is codified at Chapter 95-488, Laws of Florida (1995).[1] Section 4 of chapter 95-488 provides that the Tampa Port Authority "constitutes a body politic and a body corporate; it shall have perpetual existence; its operation shall be deemed a proper governmental function." Section 1.01(8), Florida Statutes, provides: "The words 'public body,' 'body politic,' or 'political subdivision' include counties, cities, towns, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in this state." The Florida Department of Economic Opportunity officially designates the Tampa Port Authority as an independent special district within the scope of Chapter 189, Florida Statutes, consistent with the definition found in section 189.012, Florida Statutes.

The FAA Screening Information Request, paragraph 9.2.2.2, defines "public entity" as, in part, "any department, agency, special purpose district, or other instrumentality of a State or States or local government." It thus appears that Tampa Port Authority, a special district of the state, falls within the scope of the paragraph 9.2.2.2 definition and would qualify for a certificate of authorization.

In sum, this letter constitutes the Florida Attorney General's assurance that the Tampa Port Authority, a body politic performing a governmental function, is a public entity of the State of Florida. This letter does not constitute comment on any other issue or matter.

Sincerely,

Pam Bondi
Attorney General

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[1] The powers of a port authority are set forth in Ch. 315, Fla. Stat.